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LOS ALAMOS, NM 87544

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Director's Office
Group 3700

In re Application of
DAVIS, JEFFREY
Application No.: 09/334,208
Filed: June 15, 1999

DECISION ON PETITION

This is a decision on petitioner's request filed May 19, 2003, requesting withdrawal of the holding of abandonment of the above-identified application because the applicant did not receive the Office communication mailed on December 16, 2002 at the correspondence address of record. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

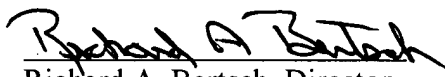
The petition is dismissed.

The showing required to establish nonreceipt of an Office communication must include: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c) IA.

The instant application does not comply with item (2) above.

From petitioner's statements, it appears that petitioner believes that a Change of Address during the time in question may have contributed to the alleged non-receipt of the Office Action. It is noted that petitioner states that a Change of Correspondence Address Application was filed in February 2003. However, a review of the application file indicates that the address of record was changed to 5645 Quemazon, Los Alamos, NM 87544 in a Change of Correspondence Address that was filed in October 2002, which was before the Notice of Allowance was mailed December 16, 2002. So the Notice of Allowance was mailed to 5645 Quemazon, Los Alamos, NM 87544.

Petitioners may file a renewed petition, without fee, addressing the points raised above. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov.


Richard A. Bertsch, Director
Technology Center 3700